

Exhibit 9

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Steven U. Ross in Support of
Plaintiffs' Opposition to Sandoz, Inc.'s Motion for Summary Judgment

Sacramento, CA

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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

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STATE OF CALIFORNIA, ex rel

VEN-A-CARE OF THE FLORIDA KEYS, INC.,

A Florida Corporation,

Plaintiffs,

vs.

MDL No. 1456

Master File No.

01-12257-PBS

ABBOTT LABORATORIES, INC.,

Civil Action No.

Et al.,

03-11226-PBS

Defendants.

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THURSDAY, NOVEMBER 6, 2008

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VIDEOTAPE DEPOSITION OF THE CALIFORNIA DEPARTMENT

OF HEALTH CARE SERVICES BY STANLEY L. ROSENSTEIN

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Reported By: PATRICIA MCCARTHY, CSR No. 12888

Registered Professional Reporter

Sacramento, CA

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1 humongous revised program with a relatively small
2 staff.

3 In all aspects of it, it depends upon
4 the people who provide the government, the state,
5 the federal government with data they do
6 accurately.

7 BY MR. PAUL:

8 Q. With regard to generic manufacturers,
9 has any generic manufacturer, to your knowledge,
10 ever come to the Medi-Cal program and provided
11 information to explain to the program the
12 difference between actual provider costs and its
13 reported AWP's for any of its drugs?

14 A. Not in the 13 years that I have been a
15 part of running the Medi-Cal program.

16 Q. So that statement would apply to the
17 four defendants who are represented by counsel at
18 this table?

19 A. That's right. No one has come to my
20 office and told us that. And we have other
21 providers who have come to us and disclosed, you
22 know, inaccurate claiming over the past. It does

Sacramento, CA

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1 MR. BUEKER: Objection as to form.

2 Beyond the scope.

3 THE WITNESS: I believe each study was
4 in the neighborhood of 200- to \$250,000.

5 BY MR. PAUL:

6 Q. And those monies came from public fund,
7 from the Medi-Cal program?

8 A. They came from the state and federal
9 government.

10 Q. Just to be clear, I want to confirm
11 with you whether or not, has it ever been the
12 policy of the Medi-Cal program to deliberately
13 accept inflated and inaccurate AWP's simply
14 because the program knew it would offset them by
15 shorting or minimizing the amount of the filling
16 fee for pharmacists?

17 MR. BUEKER: Objection as to form.

18 MR. CYR: Objection.

19 THE WITNESS: No. It has always been

20 our policy to have accurate information and to
21 use that information to establish what the
22 accurate price should be, should be on both ends